



FLASTER/GREENBERG P.C.  
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Joseph Martinez and Maria Martinez, h/w

In Re:

THCR/LP CORPORATION, *et al.*,

Debtors.

Bankruptcy No.: 04-46898 (JHW)  
Jointly Administered

Hearing Date: July 16, 2007  
@ 10:00 a.m.

**ORDER GRANTING JOSEPH MARTINEZ AND MARIA MARTINEZ  
LIMITED RELIEF FROM THE AUTOMATIC STAY**

The relief set forth on the following pages, numbered two (2) through four (4), is hereby

ORDERED.

**DATED: 7/16/2007**

*Judith H. Wizmur*  
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Judith H. Wizmur, Chief Judge  
United States Bankruptcy Court

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THIS MATTER, having by before the Court upon the Motion of Joseph Martinez and Maria Martinez, h/w (“Martinez” or “Claimants”), by and through their counsel, Flaster//Greenberg, and the reorganized debtors (“Debtors”) being represented by McElroy, Deutch, Mulvaney, Carpenter LLP, and the Court having considered the pleadings submitted and the arguments of counsel, and

WHEREAS, on or about June 13, 2004, Maria Martinez, alleges that she was injured while a patron at Trump Casino in Lake County, Indiana (the “Alleged Incident”).

WHEREAS, Claimants have filed an action regarding this matter in Lake Superior Court, Gary, Indiana, docketed Cause No. 45D04-0606-CT-00175.

WHEREAS, the Debtors deny the Claimants’ allegations.

WHEREAS, on November 21, 2004 (the “Petition Date”), each of the Debtors filed a voluntary petition for relief under Chapter 11 of Title 11 of the United States Bankruptcy Code (the “Bankruptcy Code”). Upon the filing of the Debtors’ Chapter 11 petitions, all person and entities asserting claims against any of the Debtors were automatically stayed from prosecuting their pending lawsuits and claims by § 362 of the Bankruptcy Code.

WHEREAS, on November 22, 2004, this Court entered its *Order Approving Motion for Order Establishing Bar Dates for Filing Proofs of Claim and Approving Form and Manner of Notice Thereof* (the “Bar Date Order”). The Bar Date Order established January 18, 2005 as the date (the “Bar Date”) by which each holder of a claim against any of the Debtors was required to file a proof of claim asserting such claim.

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WHEREAS, on March 30, 2005, the Debtors filed their *Second Amended Joint Plan of Reorganization of THCR/LP Corporation, et al. Dated as of March 30, 2005* (the “Plan”). This Court confirmed the Plan on April 5, 2005. On May 20, 2005, the Plan became “Effective” (as that term is defined in the Plan), and the Debtors emerged as reorganized companies.

WHEREAS, the Claimants allege that they did not receive notice of the need to file a proof of claim.

WHEREAS, on April 12, 2007 the Court entered an Order Approving Claimants’ Motion to File Proof of Claim Out of Time, allowing the Proof of Claim filed by Claimants’ as if timely filed.

WHEREAS, Claimants have sought limited relief from the automatic stay so as to allow the Claimants to pursue their alleged claims in any appropriate non-bankruptcy court or forum that has appropriate jurisdiction over such claims and causes of action to the extent of applicable insurance coverage available to Claimants.

IT IS HEREBY ORDERED as follows:

1. Upon entry of the within Order, relief from the automatic stay of 11 U.S.C. § 362 is hereby granted with respect to the Alleged Incident so that the Claimants may pursue such claim against the Debtors in any appropriate non-bankruptcy court or forum that has appropriate jurisdiction over such claims and causes of action.

2. Subject to the terms and conditions of this, the Claimants shall have the right to adjudicate and liquidate their claim in an appropriate non-bankruptcy forum rather than proceeding with the claim adjudication process in this court. Any final judgment (by a court or

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forum having competent jurisdiction) entered in favor of the Claimants or any settlement between the Claimants and the Debtors shall be satisfied solely from applicable insurance proceeds in accordance with the terms of the Plan subject to the following limitation: The amount the Claimants are entitled to receive under the Plan on account of a final judgment or settlement of their claim shall be capped at the amount set forth in their proof of claim, and under no circumstances shall the Reorganized Debtors or the Debtors be required to pay more on account of any such claim than the amount set forth in the Claimants' proof of claim.